HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No.213 of 2006

Ashok Kumar
S/o Late Shri Mangu Ram
R/o 70 Ambedkar Road, Kaulagarh,
Police Station Cantt, Dehradun
District – Dehradun ...Applicant

Versus

1. State of Uttaranchal
2. Shri Neme Singh
S/o Late Shri Pool Singh
R/o Mohalla Mohabbebala,
P.O. Mohabbebala,
Police Station – Clemen Town
District – Dehradun ...Respondents

Sri Sandeep Tandon, learned counsel for the applicant.
Sri Amit Bhatt, learned A.G.A. for the State.

Hon'ble J. C. S. Rawat, J.

The present petition has been directed to set aside the impugned order dated 20.02.2006 (Annexure-17 to the petition) passed by the Chief Judicial Magistrate, Dehradun in Criminal Case No. 440 of 2006 State Vs. Mukesh & others u/s 498A, 304B I.P.C. & ¾ Dowry & Prohibition Act and to quash the chargesheet dated 08.02.2006 (Annexure-16 to the petition) in case crime No. 9 of 2006.

The prosecution has been filed by the State u/s 498A, 304B I.P.C. and ¾ Dowry & Prohibition Act. The present applicant is the cousin father-in-law of the deceased and there are allegations in the F.I.R. as well as in the statements recorded u/s 161 Cr.P.C. against the applicant. It would be just and proper not to give any opinion with regard to the prima-facie case at this stage. Learned counsel for the applicant is directed to appear before the court below and to raise these points

which he has raised here before the trial court at the time of the framing of the charge. The learned counsel for the applicant has also agreed to that extent. It was further contended by the learned counsel for the applicant that the High Court while arresting the stay of the applicant has observed that there are vogue allegations against the applicant and his arrest was stayed. Learned counsel for the applicant further contended that no coercive step should be taken during the trial against the applicant and the bail application of the applicant be dispose of expeditiously. It would be just and appropriate in this case to direct both the courts below to dispose of the bail application of the applicant expeditiously without loss of time.

The applicant had liberty to raise all the points which have been indicated in this petition at the time of framing of the charges.

The petition is disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 18.04.2006

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